



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
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June 1, 2016

Bill White, CAO / Clerk
Town of Minto
5941 Highway 89
Harriston, Ontario N0G 1Z0

Dear Mr. White:

**Re: Metzger / Robinson Building Lot
401, 411, 417, 423 Jane Street - Palmerston
Zoning By-law Amendment**

PRELIMINARY PLANNING OPINION

The proposed dwelling is to be located on a lot existing pre-1906. Existing lots are not subject to the Minimum Distance Separation requirements of the by-law. Currently, building permits are not available as there is a sewer easement across a number of lots and a one foot reserve across the frontage of all lots. I understand that the sewer easement is no longer required. As Jane Street is being reconstructed this year, it makes sense to take into consideration potential future development and install sewer connections now. I would be in general support of Mr. Metzger's proposal for a dwelling, provided it is situated so as to not compromise potential future development. I have provided a draft by-law, which leaves the area in the Agricultural zone, but adds minimum and maximum setbacks that will work to accomplish this. The Maitland Valley Conservation Authority indicates that the subject lands are within the "floodway" and are regulated lands. Therefore, it would seem that a permit would be required from the MVCA, prior to a building permit being issued. I would note that nothing seems to turn on the proposed rezoning here. Whatever development rights the lots enjoy are not being altered. All that the zoning amendment change, are the front and side yard requirements.

SUBJECT LAND

The properties subject to the proposed amendment are located on Part Lot 22, Concession 1, Geographic Township of Minto - with municipal addresses of 401, 411, 417 and 423 Jane Street. Together, the four existing lots, making up the subject lands, are approximately 3.85 acres in total and shown on the air photo, following page.

PURPOSE

The purpose of the amendment is to allow for limited residential development on the subject lands. These lots have been in existence for over 100 years and are within the Agricultural zone. Consideration will be given to what portions may be developed at this time, reducing setbacks to an urban standard, and possibly using “holding” to phase development. The intent is to make more efficient use of the existing lots, and to allow for pre-servicing of the lots during the upcoming reconstruction of Jane Street.

BACKGROUND

These lots are present in the 1906 Historical Atlas of Wellington County. The lower three lots are approximately 1 acre in size, with widths of 125 feet and depth of 350 feet. The fourth, northernmost lot is about 0.85 acres in size, with the same depth and a frontage of only 107 feet.

The applicant Jeff Metzger wishes to build a dwelling on the lot, second from the bottom – 411 Jane Street, currently owned by Cole Robinson.

As I understand it, there is a sewer easement that runs across 401, 411 and a small part of 417 Jane Street, and this easement is no longer required. At some point, a one foot reserve (owned by the Town) was taken along the frontage of all four lots. This means a building permit could not be issued, as frontage on an open street was interrupted by the reserve.



PROVINCIAL POLICY STATEMENT (PPS)

Section 1.1.3.3 of the 2014 PPS states that *“planning authorities shall identify appropriate locations and promote opportunities for intensification”*. Section 1.4.3 encourages Planning Authorities to provide an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents.

WELLINGTON COUNTY OFFICIAL PLAN

The east side of Jane Street is within the urban area of Palmerston and is designated Residential in the Official Plan. The subject lands, however, are located on the west side of the street in the rural area and are designated Prime Agricultural.

The policies of Section 8.3.2 of the Official Plan set out a number of objectives for residential development including, *“g) to encourage intensification, development proposals provided they maintain the stability and character of existing neighbourhoods.”*

ZONING BY-LAW

The subject lands are zoned Agricultural Exception (A-1). The special regulation is to prohibit the development of new livestock operations so close to an urban community.

PLANNING CONSIDERATIONS

Prematurity of Development?

Full development of these lots at efficient “urban density” is premature. The subject lands are outside of the urban centre of Palmerston. An official plan amendment would first be required. In order to approve an amendment a comprehensive review would have to be undertaken.

Notwithstanding this, however, these are legal lots and the only thing preventing the development of four dwellings appears to be the sewage easement, the reserve and recent comments from the Maitland Valley Conservation Authority (MVCA).

Floodway Issue

In her letter of today, Brandi Walter of the MVCA indicates that almost all of the subject lands are considered to be floodway within MVCA Regulated Lands. MVCA suggests further discussion and analysis, prior to approval of the rezoning.

It does not seem to me that anything turns on approval of this zoning amendment. As you will see later in this report, all that we are doing is adjusting the minimum and maximum front yard and side yard. Whatever development rights these lots have in law, is unchanged.

Regardless of the above, it appears likely that whatever the Town of Minto does, the applicant will require a permit from the MVCA for being in their regulated area.

Also, it would appear that Minto's Building Officials would not be able to issue a permit as the MVCA regulations are "applicable law".

Upgrading of Municipal Services – Connector Opportunity

It's my understanding that Jane Street is going to be improved this year including sewers. It makes sense to put the connections in now, while the street is opened-up, rather than coming back later.

Barn – Minimum Distance Separation (MSD 1)

One of the constraints to expanding the urban centre is the presence of a livestock operation at 221 Mary Street. I can see a manure pile in the 2015 air photo. The separation distance is essentially doubled for urban area expansions. On the other hand the ability to expand the barn is probably already constrained by the existing urban boundary. Further investigation would be required to determine the possibility of expanding the urban area.

Section 6.17.1 of the Minto zoning by-law exempts existing, vacant lots from being subject to MDS 1. The MDS has no bearing on their development.

Intensification

Both the Provincial Policy Statement and the Official Plan encourage intensification. If the barn and floodway issues could be overcome, then at the very least, each of the existing lots could be split in half. If Elgin Street were ever to be opened up, then some smaller lots or multi-residential units might also be possible.

Zoning Controls – So Future Urban Development Not Compromised

I don't think I have any concerns over development of one dwelling, provided this does not compromise the future development of the area at greater density. I would suggest that the minimum yard setbacks be reduced from standards of the Agricultural zone to that of the Residential R1B zone. This will allow the dwelling to be placed closer to the road and closer to the side yard.

Building Officials Mr. Kuipers and Ms. Pennington are suggesting the following minimum and maximum allowable setbacks for the dwelling:

<u>Description</u>	<u>Maximum</u>	<u>Minimum</u>
Front Yard	18.3 m	6.0 m
Side Yard on one side	3.0 m	1.8 m

I have adopted their approach in the draft amendment that is attached.

Sincerely,



Mark Van Patter, RPP, MCIP
Manager of Planning and Environment
519.837.2600 Ext. 2080

C: Jeff Metzger, applicant
Terry Kuipers & Stacey Pennington, Building Officials
Brandi Walter, MVCA